

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)
)
Recommendations of the Independent Panel) EB Docket No. 06-119
Reviewing the Impact of Hurricane Katrina on)
Communications Networks)
)

To: The Commission

COMMENTS OF CINGULAR WIRELESS LLC

Cingular Wireless LLC (“Cingular”) hereby submits these comments in response to the Federal Communications Commission’s (“FCC” or “Commission”) *Notice of Proposed Rulemaking* regarding the recommendations of an independent panel (“Panel”) reviewing the impact of Hurricane Katrina on communications networks.¹ A Cingular representative was a member of the Panel and the company generally agrees with the Panel’s recommendations. The record compiled by the Panel demonstrates that the commercial mobile radio service (“CMRS”) industry responded admirably during, and in the aftermath of, Hurricane Katrina.² Accordingly, there is no need to subject the industry to new regulatory requirements to improve readiness. The record also demonstrates, however, that the CMRS industry’s recovery efforts were hampered by a number of regulatory barriers that limited access to the disaster areas and otherwise delayed restoration efforts.³ These barriers should be eliminated.

¹ *Recommendations of the Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks*, EB Docket No. 06-199, *Notice of Proposed Rulemaking*, FCC 06-83 (rel. June 19, 2006) (“*NPRM*”), summarized, 71 Fed. Reg. 38564 (July 7, 2006).

² See *Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Network, Report and Recommendations to the Federal Communications Commission*, at 9-10 (June 12, 2006) (“*Independent Panel Report*”).

³ See *NPRM* at ¶ 11.

I. CINGULAR HAD AN EMERGENCY PREPAREDNESS PLAN IN PLACE PRIOR TO HURRICANE KATRINA AND RESPONDED QUICKLY IN THE STORM'S AFTERMATH

Hurricane Katrina produced unprecedented damage in the Gulf region, but it did not represent a new phenomenon for Cingular. Because a number of hurricanes strike Cingular's service territory every year, its network is designed to withstand hurricane force winds and is equipped with thousands of generators.⁴ Regional Network Operations Centers ("RNOCs") were established to monitor and maintain the network 24 hours a day, seven days a week.⁵ Cingular also developed an emergency preparedness plan to deal with these devastating storms (and other emergency situations) and tests this plan via readiness drills conducted throughout the year.⁶ Personnel also are designated to report to state Emergency Operations Centers ("EOCs") in emergency situations and lines of communications between EOCs and the company have been established to facilitate the flow of information. This emergency preparedness plan is modified annually based on experience gathered during each hurricane season. Cingular also leverages its nationwide resources during emergency situations by moving personnel and equipment from non-affected regions into disaster areas to expedite recovery efforts.⁷

Cingular's emergency preparedness plan was in place well in advance of Hurricane Katrina. For example, in 2004, Cingular took the following steps in preparation for Hurricane Ivan:

⁴ See Press Release, Cingular Wireless, *Cingular Wireless is Prepared for Hurricane Ivan in Georgia* (Sept. 14, 2004) ("Hurricane Ivan Press Release"); Press Release, Cingular Wireless, *Cingular Wireless Announces Enhanced Emergency Preparedness Program for 2006 Hurricane Season* (May 17, 2006) ("Emergency Preparedness Press Release").

⁵ Hurricane Ivan Press Release.

⁶ *Id.*; Press Release, Cingular Wireless, *Cingular Wireless Prepared for 2006 Hurricane Season Along Texas Gulf Coast* (May 3, 2006); *Cingular's South Florida Market is Prepared for Hurricane Season*, PR NEWswire (May 16, 2005).

⁷ See, e.g., Press Release, Cingular Wireless, *New England Cingular Wireless Technicians Help Florida After Hurricane Frances* (Sept. 9, 2004).

- Brought nearly 50 additional generators into the area;
- Refueled all portable and fixed generators;
- Established three staging areas for recovery efforts;
- Tested all emergency network equipment;
- One hundred cell phones were set aside for use by emergency agencies; and
- COWS and cell sites on light trucks (“COLTS”) were moved into the area.⁸

Although Cingular engaged in similar preparations for Hurricane Katrina, the potential strike zone for the storm was much larger which made staging much more difficult. Nevertheless, emergency preparations included the staging of 200 portable generators, more than 30,000 gallons of fuel, dozens of portable cell sites, and several hundred network technicians and engineers in the Panhandle, Central Florida, and along the Gulf Coast.⁹

Despite its advanced planning and staging, however, Cingular was unable to maintain the full operating status of its network. CMRS networks generally withstood the damaging hurricane forces but network outages eventually occurred due to a lack of power to CMRS facilities (despite the use of generators at many sites) and/or the lack of transport connectivity to wireless switches in the wake of the storm.¹⁰ Although additional generators and fuel were deployed in staging areas in advance of the storm, impassable roadways and destroyed infrastructure made it nearly impossible to deploy the additional generators and refuel the

⁸ See Hurricane Ivan Press Release.

⁹ See Press Release, Cingular Wireless, *Cingular Wireless Prepares Network as Hurricane Katrina Heads for Florida Panhandle* (Aug. 26, 2005); Press Release, Cingular Wireless, *Cingular Wireless Offers Hurricane Tips As Katrina Heads for Gulf Coast* (Aug. 26, 2005).

¹⁰ See Independent Panel Report at 9.

existing generators before they ran dry.¹¹ Moreover, Cingular had difficulty protecting the generators from theft.¹²

Cingular's service restoration efforts included more than 500 additional generators, 240,000 gallons of fuel, and more than 30 COWs.¹³ Within one week, service in Mobile, AL and Jackson, MS was fully restored and the majority of coverage capacity was reestablished in and around Biloxi, MS.¹⁴

Within 60 days of Hurricane Katrina, Hurricane Wilma threatened the Florida coastline. Based on experience gained from Hurricane Katrina, Cingular improved its hurricane preparedness plan. Upon learning of the new hurricane threat, Cingular filled the nearly 400 generators permanently deployed in Florida with fuel and created four staging areas to house equipment designated for network recovery efforts.¹⁵ More than 330 portable generators were distributed to these staging areas along with 23,500 gallons of fuel.¹⁶ An additional 560,000 gallons of fuel was held in reserve for dispatch from Jacksonville, Florida, and three tanker trucks and one fuel pump truck were available for distribution.¹⁷ More than 105 teams were established for the deployment of these generators and fuel.¹⁸ In addition, Cingular took the following steps to facilitate a rapid response to the hurricane:

¹¹ *Id.* at 14 (noting that refueling was extremely difficult and that, in some instances, fuel designated for communications network restoration was confiscated by federal or local authorities).

¹² Cingular often welded the generators to its towers but thieves still were able to remove them.

¹³ See Press Release, Cingular Wireless, *Recovery Efforts Continue: Cingular Wireless Hurricane Katrina Update 12PM ET Wednesday, August 31, 2005* (Aug. 31, 2005); Press Release, Cingular Wireless, *Cingular Wireless Reports Improved Coverage in Areas Hit Hard by Hurricane Katrina* (Sept. 5, 2005) ("Improved Coverage Press Release").

¹⁴ See Improved Coverage Press Release.

¹⁵ Press Release, Cingular Wireless, *Cingular Prepares for Hurricane Wilma* (Oct. 20, 2005).

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

- 8 COWs were moved to the Lakeland staging area;
- A helicopter was reserved to survey damage;
- Ground survey teams were established to assess damage;
- Boom truck and chainsaw crews were established at the staging areas; and
- Food and water was stocked in the staging areas for recovery personnel.¹⁹

After the 2005 Hurricane Season, Cingular conducted its annual review of the emergency preparedness program and developed a number of improvements for 2006, including the investment of more than \$60 million for hurricane preparedness.²⁰ Highlights of these improvements include:

- Cingular purchased two new mobile command centers called Mobile Access Command Headquarters (MACH 1 and MACH 2) to its hurricane and disaster relief efforts. These fully-equipped, completely self-sufficient centers can be rapidly deployed into an affected area where they can be set up and operating within two hours of arrival. They are equipped with generators, a satellite dish for constant communications, LAN connectivity and a PBX phone system. More than 30 technicians can work in and from MACH 1 and MACH 2. MACH 1 is a 53-foot tractor-trailer that expands on each side to reveal 1,000 square feet of workspace. MACH 2 is a 38-foot gooseneck trailer that can be transported to more remote locations.
- Two emergency communications SUVs. These house military-grade satellite communications with access to the Internet, multi-channel voice over IP capability, radio communications and satellite news and information.
- A four-person R.V. designed to support up to four technicians for several days who are working to restore service.
- The addition of 1,200 permanent and portable generators in the Southeast, bringing the total to more than 4,500.
- A mobile facility stocked with batteries, chargers and replacement phones; inventory that first responders need most in emergency situations.
- Full hazardous materials capability. This consists of equipment and training that enables Cingular emergency responders to work on any hazmat event in partnership with BellSouth's SABER (Service Assurance Brigade/Emergency Response) team.

¹⁹ *Id.*

²⁰ Emergency Preparedness Press Release.

- The creation of a mobile Base camp. The camp includes two sleeping tents with floors, carpet, showers, bathrooms, and washers and dryers, air conditioning and heat for more than 80 people. Base camp staff will have access to a full kitchen and dining facility, and Cingular has already pre-ordered 12,000 ready-to-eat meals. In addition, the camp will be staffed by a full-time nurse.²¹

Cingular also has been certified under the CTIA Business Continuity/Disaster Recovery Plan.

In sum, Cingular developed an emergency preparedness plan prior to Hurricane Katrina in the absence of a government mandate and this plan minimized damage to its network during numerous hurricanes (including Katrina) and facilitated post-hurricane recovery. Moreover, based on experience gathered during Hurricane Katrina, Cingular took steps to further strengthen its emergency preparedness plan in anticipation of the current hurricane season.

II. RATHER THAN IMPOSE NEW REGULATORY BURDENS ON THE COMMUNICATIONS INDUSTRY, THE PANEL CORRECTLY NOTES THAT THE PUBLIC INTEREST WOULD BE SERVED BY ELIMINATING REGULATORY BARRIERS

A. Voluntary Readiness Recommendations

The Panel suggested the formation of public/private partnerships to develop readiness recommendations for each sector of the communications industry.²² In particular, the Panel suggested the creation of a readiness checklist to ensure the industry was best-prepared for emergency situations. The checklist proposed by the panel included the following:

- Developing and implementing business continuity plans, which would at a minimum address:
 - i. power reserves;
 - ii. cache of essential replacement equipment;
 - iii. adequate levels of spare equipment;
 - iv. credentialing;
 - v. EOC coordination,
 - vi. training/disaster drills, and
 - vii. appropriate disaster preparedness checklists.

²¹ *Id.*

²² See Independent Panel Report at 31.

- conducting exercises to evaluate these plans and train personnel;
- developing and practicing a communications plan to identify “key players” and multiple means of contacting them (including alternate communications channels, such as alpha pagers, Internet, satellite phones, VOIP, private lines, BlackBerry-type devices, *etc.*); and
- routinely archiving critical system backups and providing for their storage in a “secure off-site” facilities.²³

Cingular supports this course of action, but notes that most of the panel’s readiness recommendations generally restate components of existing emergency preparedness plans developed and implemented by Cingular and other others within the CMRS industry. The critical role for the Commission should be facilitating the voluntary efforts of the industry and eliminating any impediments to planning and recovery efforts. For example, the FCC should urge states to refrain from imposing emergency preparedness requirements on the industry. The adoption of state specific requirements, while clearly well intended, would hinder recovery efforts by eliminating flexibility and creating a patchwork of inconsistent requirements that carriers must follow. Many carriers currently move resources from one region to another in emergency situations. These efforts would be stymied if a state required carriers to maintain a minimum number of generators or COWs within the state at all times.

B. Uniform, National Credentialing Guidelines Should be Established and Include Communications Network Repair Workers

The Panel correctly notes that “[c]ommunications restoration efforts were hampered significantly by the inability of communications infrastructure repair crews and their contracted workers to access the impacted area post-disaster.”²⁴ Accordingly, Cingular supports the Panel’s

²³ *Id.*

²⁴ *Id.* at 15.

recommendation for the establishment of a national standard for credentialing repair workers of all communications infrastructure providers.²⁵

Cingular also agrees that the FCC should encourage states to recognize and accept credentials issued by other states.²⁶ Such an approach would facilitate disaster recovery efforts. Cingular personnel in states unaffected by a disaster often volunteer to travel to the disaster area to expedite recovery efforts. The utility of these volunteers is limited, however, if they are unable to access the disaster area because of state credentialing requirements.

C. Blanket STAs Should Be Automatically Granted to Carriers with Networks in Disaster Areas

The Commission has years of experience regarding the impact of hurricanes and other disasters on wireless networks. Every year hurricanes, tornadoes, and other natural disasters strike the United States and invariably destroy certain wireless facilities. CMRS carriers respond by contacting the FCC and seeking emergency authority to deploy temporary facilities designed to restore communications and facilitate disaster recovery. Although the Commission always *reacts* quickly in these situations, the purpose of this proceeding was to identify *proactive* steps that could be taken by all stakeholders to expedite disaster recovery. Accordingly, as a result of this *NPRM*, the Commission should modify its rules to allow CMRS carriers to deploy transmitters on a temporary basis as part of disaster recovery efforts without obtaining prior Commission approval.²⁷ The rules should provide for the automatic issuance of special temporary authority (“Blanket STA”) to all CMRS carriers with networks within areas impacted by disasters. This Blanket STA should authorize carriers to deploy temporary facilities designed

²⁵ *Id.* at 34.

²⁶ *Id.*

²⁷ *Id.* at 33.

to restore communications and facilitate disaster recovery without obtaining site specific approval. The STA should expire after 90 days, unless specifically renewed by the Commission.

CONCLUSION

For the foregoing reasons, Cingular supports the Panel's recommendations and urges the Commission to preempt states from imposing emergency preparedness regulations on the CMRS industry. Cingular also supports nationwide credentialing for communications infrastructure workers and urges adoption of a blanket STA program that would authorize CMRS carriers to deploy temporary facilities as part of service restoration efforts in disaster areas without the need for site specific authorization.

Respectfully submitted,

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